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DELMAS OUTFLANKS JEROME; DEFENSE RESTS ITS CASE

The Move Came so Suddenly That the District Attorney Was Taken Clear Off of His Feet and Asks for an Adjournment Which is Taken.

It is Said That Jerome Will Place Evelyn Again on the Stand and That the Countess of Yarmouth and May McKenzie Will be Called as Witnesses for the State—Delmas Does not Object to the Postponement Until Monday but Thaw Becomes Vexed.

New York, March 8.—Lawyer Delmas today outflanked Jerome, and the latter was compelled to sue for an armistice to enable him to re-arrange his plan of fight in the Thaw trial.

Jerome was "stumped" by the sudden change of front of defense in resting its case today, though the change was characteristic of Delmas. In releasing experts Wagner and Evans without their mentioning Thaw's present mental condition, Delmas surprised the prosecution. When Delmas today made this formal announcement, "The defense rests," Jerome could only explain to the court that the suddenness of the move had left him unprepared, and that he had no witness at his command. It had been expected that Delmas would fight against any postponement, to give the district attorney time to prepare his case anew, but Delmas consented to an adjournment until Monday, without protest.

To regain the ground he has lost, Jerome has determined, it is understood, to drag to the stand some of Thaw's own friends. The prisoner's wife will be forced to assume the position of appearing as the prosecutor's witness, although Jerome cannot attempt to make her "rebut" her own testimony. May Mackenzie, Evelyn Thaw's closest friend, and the Countess of Yarmouth, Thaw's sister, are also to be witnesses for the state. Just what Jerome hopes to draw from such unwilling witnesses is hard to guess.

It is reported that Evelyn has been subpoenaed for Monday, and will be asked to identify the letter of Howard Nesbit, which figures in the proceedings. Jerome is also understood to have served a subpoena on her to bring to court all letters of Stanford White, in her possession. May Mackenzie is expected to be the first witness on Monday. She knows more about Evelyn Thaw's life, previous to her marriage, than anyone else. She will probably be a hard witness for Jerome to handle. Jerome wants Thaw's sister to testify about facts relating to the story of Evelyn in England. Thaw was vexed at the delay and abuses of Jerome. Evelyn took lunch with him, Friday.

New York, March 8.—The decision of Harry K. Thaw's lawyers to close their case without calling any more witnesses, surprised no one more than it did District Attorney Jerome. The district attorney, expecting that the session today would be devoted to the examination of more experts, devoted a good part of Thursday to preparing for them. When late in the afternoon, he received word that the defense had decided to rest their case, he was more or less puzzled.

"I will not be able to tell what action I will take," he said, "until I hear in open court the words which assure me that the case of the defense has been finished. I am told that their plan is to close their case as it stands, but their plans have been changed so many times since the trial began that I will not be sure of anything until I hear the statement in open court."

"In case the defense does rest, how long will the case last," he was asked.

"It seems to me that the evidence should all be in by Wednesday," he replied. "Then, by giving the defense one day for the closing address and allowing me the same amount of time, the case should go to the jury on Friday of next week."

"Will you go to the jury with the case or will you ask for a commission in lunacy?"

"On the evidence as it now stands I will certainly go to the jury," replied the district attorney. "If there is nothing between society and any one who wishes to attack it but a 'brain storm' we had better go

back to the days of the frontier, and every man take out a pistol permit."

It was nearly 6 o'clock last evening when Delphin M. Delmas, chief of the Thaw counsel, called District Attorney Jerome on the telephone and made the announcement.

When the defense rests, it will be the duty of the district attorney to take up the rebuttal, but it was generally rumored last night that after a brief session, adjournment will be asked and granted until Monday, that Mr. Jerome may mature his plans.

The sudden decision of the defense came after conference of Thaw's lawyers in Mr. Delmas' office late Thursday afternoon.

It is understood that Lawyers Daniel O'Reilly and Gleason were with Mr. Delmas during the discussion as to the best course to pursue. When an agreement was reached, Mr. Delmas immediately notified the district attorney.

It is known that Mr. Delmas is busily at work on a hypothetical question, which will be propounded to the experts for the state. Mr. Jerome's move is awaited with interest. There are numerous witnesses that could be called in rebuttal, including alienists for the state, who have been in court every day since the trial opened, studying Thaw. Howard Nesbit, a brother of Mrs. Harry K. Thaw, May Mackenzie and others have been on call daily and may be summoned.

It was understood last night that the defense will attempt to conclude its cross-examination speedily, dealing very briefly with the alienists. How long Mr. Jerome will take on rebuttal is another question of importance. The case may close with this rebuttal, although the defense has a chance for sub-rebuttal.

On good authority, it was said that Delmas would sum up for Thaw. This, too has been a question under discussion.

It was an evening of activity in the district attorney's office. Assistant District Attorney Nott was called in for the first time since the opening of the trial, and with his chief and Assistant Attorney Garvan with him, went over the authorities until a late hour.

The close of the defense was with the testimony of Mrs. Wm. Thaw, mother of the defendant, and it was decided that no better climax could have been reached by the defense.

Several of Thaw's attorneys visited him in the Tombs, and he was notified of this decision and concurred.

The question of a lunacy commission looms prominent still. Mr. Jerome may ask for the appointment of such a commission at any time, and this may halt proceedings.

"So far as we women are concerned, we consider the worst over," said Mrs. Evelyn Thaw. "We are all greatly relieved that Harry's mother's testimony has been given," she continued. "The suspense of waiting to be called bore very heavily on her, and all of us are happy to know it is over." Mrs. Thaw called on her husband in the Tombs early yesterday, and remained there as long as the prison rules permitted. Mrs. Wm. Thaw, Mrs. Geo. L. Carnegie and the Countess of Yarmouth also called at the prison.

Thaw received the usual large number of letters in the early mail yesterday. A number of them came from foreign countries.

Thaw's lawyers and the defendant himself, it is said, have more faith of a suspension of the trial in favor of a commission than a verdict by the present jury. The defense is prepared to fight such an appointment, however.

M. O'Reilly, of Thaw's counsel, last night gave out a letter which he said had been received by Thaw last month and which Thaw himself

desired published. Thaw, however, refused to permit the name of the writer to be made known. The letter follows:

"February 9, 1907.

"Dear Sir—It is wrong that nothing is done to counteract the impression that Mr. H. K. Thaw has lived apart from good associations except at his home in Pittsburgh.

"I hesitated in sending this information, as his lawyers should dispel this bad feeling. Instead they seem to pay attention to nothing beyond his right in the trial.

"Mr. H. K. Thaw has not only learned friends and scientific friends but also others of the most conservative society.

"When last his mother was abroad, he gave dinners for her, at which he met all the best elements of society in town.

"The prime minister, the grand master of the court and their wives and the head of the best old Roman families. In Paris and London, and other places, he made her visit agreeable in the same manner.

"Mrs. William Thaw would seldom leave her home and her philanthropic interests in Pittsburgh, but I know of one occasion when she was present at a large dinner, where the other guests were well known New Yorkers, including the letter here gives the names of men and women prominent in New York society (life). I think (mentioning the names of other men and women) were among the guests.

"The knowledge that Mr. Thaw has been but an irresponsible person before his terrible misfortune that may have at last deprived him of reason, temporarily, I hope, for the good reports in the daily papers can have no effect prejudicial to his interests. I am sure, but may create some sympathy for the young man, for whom I have always felt a sincere regard. Very faithfully,

"AN OLD FRIEND OF MR. THAW'S.

"P. S.—I believe this dinner was in the Waldorf's private rooms about 1900."

LAKE SHORE ENGINEERS WILL GET A RAISE

Cleveland, O., March 8.—Lake Shore officials are trying to reach an agreement in regard to wages and hours with their 1,800 engineers. Both the Lake Shore officials and employees say an agreement will probably be reached today and wages will be advanced.

MUST SELL ITS STOCK

Union Pacific May be Compelled to Dispose of Southern Pacific Holdings.

New York, March 8.—As a result of the recent interstate commerce commission investigation of the Union Pacific it is reported that action will be brought to compel the Union Pacific to dispose of its Southern Pacific stock. The Harriman interests will follow.

SENSATION IS SPRUNG

An Englishman Attacks the Legitimacy of the Late General Riley's Birth.

Wellsville, O., March 8.—A suit was filed here by an Englishman named Mezey in contest for the estate of the late General Riley, well known as the personal friend of McKinley. Mezey alleges illegitimacy of Riley's birth.

Riley left a big estate and no immediate family. There are a large number of claimants all over America, but Mezey claims the entire estate.

JEWELS RECOVERED

Police are on the Trail of the Murderer of Mrs. Kate Quernheim.

St. Louis, March 8.—Detectives have recovered all of the property stolen from Mrs. Kate Quernheim, who was brutally murdered in her home, Thursday evening, and it is believed the murderer will be in custody soon. The diamond ear drop which were torn from the victim's ears, were sold to the man now in custody. The purchaser is touring the city with the police to pick up the trail of the murderer.

TROLLEY CARS COLLIDE

Eleven People Seriously Injured in a Wreck in St. Louis.

St. Louis, March 8.—Eleven persons were badly injured and a score were bruised in a head-on collision between trolley cars. A north bound car jumped the track and landed across the southbound track and was hit by the other car.

WILL PROBABLY INDICT MULTI-MILLIONAIRES

The Bronx Wreck will be Investigated by the Grand Jury and Directors and Officers of the New York Central May be Held for Trial.

New York, March 8.—The indictment for thirteen multi-millionaires, officers and directors of the New York Central Railroad, who are held by Coroner Schwanncke to be responsible for the Bronx wreck of February 16, in which 23 lives were lost, will probably be asked, next Monday, when the assistant district attorney Smythe will take the case before the grand jury.

PRESIDENT'S SON, ARCHIE'S CONDITION IS SERIOUS

The President Remains up All Night Making Frequent Visits to the Bedside and Doing All in His Power to Relieve the Sufferer.

Washington, March 8.—In spite of the fact that Archie Roosevelt is still in a grave condition, the president felt impelled to attend to his usual official duties today. He received a number of callers during the morning hours, and held a regular cabinet meeting. Although the president was awake most of the night, he looked none the worse for his long vigil.

When making his visits to the sick room, he observes the same precautions that the physicians follow. This consists in removing his coat and vest and donning a long sterilized robe, which the doctors brought.

In speaking of the case to his friends today, the President said that his son's case at that time had every appearance of being favorable, and that a steady and rapid recovery was looked for by the physicians, but he said that diphtheria was a most treacherous disease, and not until the patient has completely recovered his strength, would he be considered really out of danger. He may suffer a relapse with heart failure at any time.

Telegraph and telephone wires, leading to the White House, are being kept busy with messages of inquiry and sympathy.

DESPITE HIS FATIGUE AND THE SERIOUSNESS OF HIS SONS CONDITION THE CHIEF EXECUTIVE ATTENDED TO HIS OFFICIAL DUTIES AND HELD A CABINET MEETING THIS MORNING—MANY MESSAGES OF INQUIRY AND SYMPATHY SENT TO THE WHITE HOUSE.

The bulletin at 1:50 this afternoon by Lambert was that Archie's condition continues satisfactory.

Washington, March 8.—Archie Roosevelt, the president's third son, who has been suffering from diphtheria since last Friday, had a turn for the worse Thursday and last night, though he has rallied somewhat, his condition is serious.

Dr. Alexander Lambert, of New York, in response to a telegram from President Roosevelt, arrived in Washington last night at 9 o'clock and took charge of the case.

Drs. Rixey, Kennedy and Braisted were holding a consultation when Dr. Lambert arrived at the White House. Just previous to his coming further anti-toxin was injected into the patient.

Drs. Braisted and Pryor left the White House at 9:35. They stated

that if Archie's vitality held out through the night, there is an even chance for his recovery. At 10:20 Dr. Rixey issued the following bulletin.

"Archie has materially improved since noon when considerable anxiety was felt on account of the weak heart action. Last night at 10:20 the case was more favorable with normal temperature and heart acting well."

The first change for the worse was noted late Wednesday night and three physicians spent the night at the White House and were joined early Thursday morning by Dr. Rixey. After a consultation the president decided to summon Dr. Lambert, who had returned to New York Sunday night. The change in Archie's condition was reported at 2:30 in the afternoon, when Secretary Loeb gave out this bulletin:

"Archie has had a severe attack of diphtheria. He has done well until today, when there was a short

spell of depression with weak heart action. This, however, has quickly responded to stimulation. The case is again doing well and is considered favorable."

(Signed) "P. M. RIXEY."

The Friends Select school, which Archie Roosevelt had been attending before his illness, is closed on account of another pupil having contracted diphtheria.

MOB STONES HALL WHERE REV. LUPTON SPOKE

Missionary Home of the Head of the "Gift of Tongues" Sect will be Investigated by the Township Authorities.

Alliance, O., March 8.—Township authorities have decided to investigate the missionary home of Rev. Lupton, head of the "Gift of Tongues" sect.

A young girl from home was found on a street car, apparently

RANSOM DEMANDED FORCED TO TAKE OATH

Threatening Letters Received by Father of a Kidnaped Boy.

Dover, Delaware, March 8.—Dr. Marvin, of Kitts Hammock, whose son was kidnaped last Monday, is understood to have received a letter demanding a big ransom for the child. Efforts have been made to keep the receipt of the letters secret, so the police can work.

The child is believed to have been stolen by a man and woman and carried up the bay on a boat.

WOMEN SWORE TO BEHAVE BEFORE THEY WERE ADMITTED TO HOUSE OF COMMONS.

London, March 8.—A woman's suffrage bill was introduced into the House of Commons today. Only women, who were sworn to behave, were admitted to the gallery. Premier Campbell Bannerman spoke against the bill.

HE WANTS TO HEAR EVERY WORD! BUT WHAT A PITY THE KEYHOLE CANNOT BE CLOSED AND THE WHOLE THING SHUT OUT!



—Atlanta Constitution.